

REMARKS

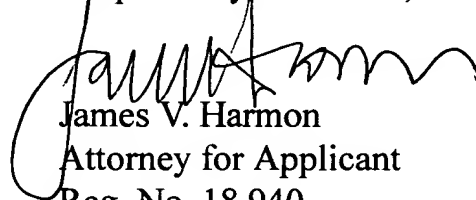
New claims 26-35 have now been added to clearly, concisely and unambiguously claim the applicants method of use without using terms such as “safe”, “nontoxic” “or devoid of insecticide” which the Examiner deems indefinite. The applicant has now used the term “consisting essentially of” for the purpose of excluding intended insecticides, namely, poisonous preparations that are now being sold commercially in spray cans for killing insects such as those listed in lines 1-16 on page 10 of the applicants last Amendment dated June 25, 2002. While the Official Action of 10/15/02 states that these terms e.g. “nontoxic” are qualitative, unquantified and that it is not known whether limited to acute, sub acute, chronic side effect or what, the applicant asserts that the general public appears to have no problem with such understanding since the label of a product such as Raid[®] states “Hazards to humans and domestic animals, caution” and “Hazards to humans keep out of reach children“. Clearly, the public knows the meanings of terms of this kind when applied to common household or insect eradicating sprays. However, in order to eliminate this issue and obtain a prompt Notice Of Allowance, the applicant has used the term “consisting essentially of” to eliminate the inclusion of the intended insecticides.

The Examiner will also note that claim 26 calls for enveloping the insect in

a film of the solution so as to reduce surface tension at the outer layer of the chitinous exoskeleton. In addition, claim 26 calls for forming a spray or aerosol which is then applied to the spiracles through which the insect breaths. Nothing in the prior art or in any permissible combination appears to teach or suggest the method now clearly and unambiguously set forth in new claim 26. For example, the Japanese patent teaches one to place a paste, not a liquid, on a wooden panel where it could not possibly plug insect spiracles since it could not flow so as to coat out onto the insect exoskeleton. Moreover, there is no spray formation or aerosol whatsoever. Claims 27-35 claim additional steps that are not taught by the prior art and are believed to be patentable for the same reason as claim 26 and because they are more specific through the addition of further steps.

Favorable consideration and a prompt Notice of Allowance with respect to claims 26-35 is believed to be in order and is respectfully requested.

Respectfully submitted,



James V. Harmon

Attorney for Applicant

Reg. No. 18,940

(612) 339-1400

1000 Northstar Center East

608 Second Avenue South

Minneapolis, MN 55402

CERTIFICATE OF MAILING

I certify this correspondence was deposited with the U.S. Postal Service, First Class Mail, with sufficient postage attached thereto, addressed to the Commissioner for Patents, Washington, DC 20231,

on 1-17-03

J. V. Hansen 1/17/03